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EXAMINER

PATEL, HARESH N

ART UNIT PAPER NUMBER

2154

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/884,063

Applicant(s)

KATO ET AL.

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-8,14-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,14-16 and 18 is/are rejected.
- 7) ☒ Claim(s) 3-5,7,8,15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1, 3-8 and 14-16 and 18 are subject to examination. Claims 2, 9-13 and 17 are cancelled.

#### *Response to Arguments*

2. Applicant's arguments filed 10/3/2005, have been fully considered but they are not persuasive. Therefore, rejection of claims 1, 3-8 and 14-16 and 18 is maintained.

Applicant argues (1), "the combined references do not disclose, teach, or suggest the applicant's invention, i.e., an office room view as a first virtual area, conference room view as a second virtual area, to discriminate the motion of a user, movement of a user's mouth". The examiner respectfully disagrees in response to applicant's arguments. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies, "an office room view as a first virtual area, conference room view as a second virtual area, to discriminate the motion of a user, movement of a user's mouth", are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The First inquiry must be into exactly what the claims define. See *In re Wilder*, 166 USPQ 545, 548 (CCPA 1970). What is claimed is, for example see claim 1, which is related to the above arguments, "an image is arranged in response to the user's designation", etc. Please refer to the below rejections of this office action to the newly presented amended claims. Therefore, the rejection is maintained.

***Priority***

3. Applicant was requested in the previous office action to submit the translated priority document in English for the Japan priority papers submitted on 10/03/2001 (i.e., Japan 2000-187794 06/22/2000 application) for verification, in order to benefit the effective date as 06/22/2000. However, examiner has still not received the English translated foreign priority document. Examiner has not applied prior arts for the rejection (dated between the claimed France priority date 06/22/2000 and the effective date, 6/20/2001 of this application). Applicant is requested to submit the English translated foreign priority document, which would help the examiner to know whether to apply, the above-mentioned prior arts dated between 06/22/2000 and 6/20/2001, when necessary. In response to the applicant's request for the examiner to perfect the foreign priority document without supplying the English translation of the foreign priority document, MPEP 201.13, 37 CFR 1.55, clearly states, "An English language translation of a non-English language foreign application is not required except when, ..., or, when specifically required by the examiner".

***Response to Amendment***

4. The amendment filed 10/3/2005 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

- a. addition of limitations, "in response to designation by each of the plural users", in claim 1,

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b. addition of limitations, “obtained at a target terminal apparatus of delivery”, in claim 6,

c. addition of limitations, “each of terminal apparatuses distributes an image” and “obtained at a target terminal apparatus of delivery”, in claim 14,

d. addition of limitations, “in response to the user’s designation”, in claim 18.

Applicant is required to cancel the new matter, to avoid abandonment of this application, in the reply to this Office Action.

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required.

1. The limitations “in response to designation by each of the plural users”, in claim 1, “obtained at a target terminal apparatus of delivery”, in claims 6 and 14, “in response to the user’s designation”, in claim 18, are not recited in the specification.

### ***Drawings***

6. New corrected drawings are required in this application because Figures 1-18 does not show claimed invention, i.e., “obtaining an image of a user; determining whether the image of the user is arranged in the first virtual area or in the second virtual area in a screen in response to the user's designation, making compressed image data by compressing data of the image of the user with a quantization coefficient, in case that the image of the user obtained in said obtaining the image of the user is arranged in the first virtual area or by compressing data of the image of

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the user with a second quantization coefficient smaller than the first quantization coefficient in case that the image of the user obtained in said obtaining the image of the user is arranged in the second virtual area”, “obtained at a target terminal apparatus of delivery”, etc. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled --Replacement Sheet-- in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

7. Claims 3-5, 7, 8, 15 and 16 are objected to because of the following informalities:

Claims 3-5 mentions, “A system according to”, which should be --The system according to--.

Claim 3 should also contain “.” (period) after “is arranged”.

Claims 7 and 8 mentions, “A system according to”, which should be --The image distribution system--.

Claims 15 and 16 mentions, “A method according to”, which should be --The image distribution method according to--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1, 6, 14 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art to use and/or make the invention.
9. The specification does not contain subject matter to implement limitations, “in response to designation by each of the plural users”, as cited in claim 1. Also, the specification page 5, lines 1 – 5, clearly state, “designation means for designating the position of the user in the virtual space”, which does not contain claimed limitations, “in response to designation by each of the plural users”.
10. The specification does not contain subject matter to implement limitations, “obtained at a target terminal apparatus of delivery” as cited in claim 6. Also, the specification page 5, lines 1 – 5, clearly state, “designation means for designating the position of the user in the virtual space”, which does not contain claimed limitations, “obtained at a target terminal apparatus of delivery”.
11. “The specification does not contain subject matter to implement limitations, each of terminal apparatuses distributes an image (single)” and “obtained at a target terminal apparatus

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of delivery”, as cited in claim 14. Also, the specification page 5, lines 1 – 5, clearly state, “designation means for designating the position of the user in the virtual space”, which does not contain claimed limitations, each of terminal apparatuses distributes an image” and “obtained at a target terminal apparatus of delivery”.

12. The specification does not contain subject matter to implement limitations, “in response to the user’s designation”, as cited in claim 18. Also, the specification page 5, lines 1 – 5, clearly state, “designation means for designating the position of the user in the virtual space”, which does not contain claimed limitations, “in response to the user’s designation”.

Examiner has reviewed the specification (and OCR whole document) and could not find support for the additional limitations as claimed.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

13. Claims 1, 3-8, 14 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations, “the image”, “the plural users”, “the user”, “the images”. There is insufficient antecedent basis for this limitation in the claim (Please see MPEP 706.03(d). Since, multiple users and images exist in the claim, it is not clear which “image” and “user” is referred by the limitations in the claim.

Claims 3-5, 7 and 8 recites the limitations, “the image”, “the obtained image”, “the plural users”, “the user”. There is insufficient antecedent basis for this limitation in the claim (Please



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see MPEP 706.03(d). Since, multiple users and images exist in the claim, it is not clear which “image” and “user” is referred by the limitations in the claim.

Claims 6 and 14 recites the limitations, “the terminal apparatuses”, “the user”, “the image”. There is insufficient antecedent basis for this limitation in the claim (Please see MPEP 706.03(d). Since, multiple terminal apparatuses and images exist in the claim, it is not clear which “image”, “user and “terminal apparatuses”, is referred by the limitations in the claim.

Claim 18 recites the limitations, “the user”, “the image”, “the first quantization coefficient”. There is insufficient antecedent basis for this limitation in the claim (Please see MPEP 706.03(d). Since, multiple users and images exist in the claim, it is not clear which “image” and “user”, is referred by the limitations in the claim.

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 1, 3-8, 14-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakakibara et al. U.S. 2002/0161590 A1, Oct. 31, 2002 (Hereinafter Sakakibara) in view of McNerney et al., 5,999,208 (Hereinafter McNerney), Paik, 6,370,279 and Tanno et al., 6,064,772 (Hereinafter Tanno).

16. As per claim 1, Sakakibara discloses an image distribution system / an image distribution method wherein each of terminal apparatuses distributes an image in a virtual space system

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composed of terminal apparatuses respectively provided at plural users (e.g., figures 1, 7, 13, 21) and a server apparatus connected to the terminal apparatuses (e.g., figures 1, 7, 13, 21) through a communication channel for constructing a virtual space for distributing an image among the terminal apparatuses (e.g., figures 1, 7, 13, 21), wherein each terminal apparatuses comprises:

display means for displaying a first virtual area to show a condition of each of the plural users with images and text (e.g., figure 13);

image obtaining means for obtaining images of the plural users (e.g., figure 4);

control means for controlling image handling means (e.g., figure 2) for the users (e.g., figure 2);

transmission means for transmitting the image data of the image of the user to the server apparatus (e.g., figures 4 and 9);

determining means and each of the images of the plural users obtained by the obtaining means is arranged in the first virtual area (e.g., figures 7 and 13);

in response to the user's designation (e.g., figures 1, 7, 13, 21), in response to designation by each of the plural users (e.g., figures 1, 7, 13, 21).

However, Sakakibara does not specifically mention about determining whether each of images of the users is arranged in the first area or in the second area.

McNerney discloses the well-known concept of determining whether each of images of the users is arranged in the first area or in the second area (e.g., blocks 608 and 609, figure 4) and a first virtual area to show condition of each user with image and text (e.g., block 608, figure 4) and a second virtual area to have a conference (e.g., block 609, figure 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Sakakibara with the teachings of McNerney in order to facilitate determining whether each of images of the users is arranged in the first area or in the second area because the first virtual area would provide information regarding each user and the second virtual area would provide support for the conference like user requirement.

Sakakibara and McNerney do not specifically mention about image compression means to make compressed image data by compressing data of the images with a first quantization coefficient.

Paik discloses the well-known concept of image compression means to make compressed image data by compressing data of the images with a first quantization coefficient (e.g., col., 4, lines 32 – 58, col., 2, lines 28 – 38, figures 7 and 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Sakakibara and McNerney with the teachings of Paik in order to facilitate image compression means to make compressed image data by compressing data of the images with a first quantization coefficient because the compression would help reduce the size of the image using the quantization coefficient. For example, having different quantization coefficients for different areas would help compressing different areas individually.

Sakakibara, McNerney and Paik do not specifically mention about one quantization coefficient being smaller than another quantization coefficient.

Tanno discloses the well-known concept of one quantization coefficient being smaller than another quantization coefficient (e.g., col., 6, lines 20 – 56).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Sakakibara, McNerney and Paik with the teachings of Tanno in order to facilitate one quantization coefficient being smaller than another quantization coefficient because having smaller/larger coefficient would help support different high/low frequency components for the compression. The compression would help reduce the size of the image using the quantization coefficient.

17. As per claim 3, Sakakibara, McNerney, Paik and Tanno disclose the claim limitations as rejected above. Sakakibara also discloses the following:

said image obtaining means includes size conversion means for converting the size of the obtained image (e.g., paragraph 125) and cut-out means for cutting out a predetermined area from the obtained image (e.g., paragraphs 28, 81); and said control means selects the output of said size conversion means or said cut-out means according to an area where each of images of the plural users is arranged (e.g., paragraphs 28, 81, 100, 125, 129, 143).

18. As per claim 4, Sakakibara, McNerney, Paik and Tanno disclose the claim limitations as rejected above. Sakakibara also discloses the following:

said image obtaining means includes image pickup means for converting an optical image into an electrical signal (e.g., paragraphs 28, 81, 100, 125, 129, 143); and image pickup control means for controlling an area and a direction to pickup the optical image by said image pickup means (e.g., paragraphs 28, 81, 100, 125, 129, 143) and said control means controls the image pickup area of said image pickup means through said image pickup control means according to

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an area where each of images of the plural users is arranged (e.g., paragraphs 28, 81, 100, 125, 129, 143).

19. As per claim 5, Sakakibara, McNerney, Paik and Tanno disclose the claim limitations as rejected above. Sakakibara also discloses the following:

said image obtaining means includes image plural image pickup means for converting an optical image into an electrical signal (e.g., paragraphs 28, 81, 100, 125, 129, 143); and said control means selects one of the outputs of said plural image pickup means according to an area where each of images of the plural users is arranged (e.g., paragraphs 28, 81, 100, 125, 129, 143).

20. As per claims 6, 14 and 18, Sakakibara, McNerney, Paik and Tanno disclose the claimed limitations rejected under claim 1. Sakakibara also discloses an image distribution system in a virtual space system composed of terminal apparatuses respectively provided at plural users (e.g., figures 1, 7, 13, 21) and a server apparatus connected to the terminal apparatuses through a communication channel for constructing a virtual space for distributing an image among the terminal apparatuses (e.g., figures 1, 7, 13, 21), wherein each terminal apparatus comprises:

an image distribution method in a virtual space system composed of terminal apparatuses respectively provided at plural users and a server apparatus connected to the plural terminal apparatuses through a communication channel for constructing a virtual space (e.g., figures 1, 7, 13, 21),

image obtaining means for obtaining the images of the plural users (e.g., figure 4);

transmission means for transmitting the image (e.g., figure 9) obtained by said image obtaining means, to the server apparatus (e.g., figure 4),

reception display means for receiving and displaying a respective image in the terminal apparatuses transmitted from said server apparatus (e.g., figure 13);

wherein the server apparatus comprises: image process means for processing the image transmitted from each terminal apparatuses (e.g., figures 1, 7, 13, 21),

determining means for determining whether an image of a user obtained at a target terminal apparatus of delivery is arranged in the virtual area (e.g., figures 1, 7, 13, 21); and

control means for controlling image process means (e.g., figure 2);

distribution means for distributing the compressed image data to the target terminal apparatus (e.g., figures 1, 7, 13, 21),

determining means and each of the images of the user at the target terminal apparatus is arranged (e.g., figures 7 and 13);

However, Sakakibara does not specifically mention about determining whether each of images of the users is arranged in the first area or in the second area.

McNerney discloses the well-known concept of determining whether each of images of the users is arranged in the first area or in the second area (e.g., blocks 608 and 609, figure 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Sakakibara with the teachings of McNerney in order to facilitate determining whether each of images of the users is arranged in the first area or in the second area because the first virtual area would provide information regarding each user and the second virtual area would provide support for the conference like user requirement.

Sakakibara and McNerney do not specifically mention about making compressed image data by compressing data of the respective image for the target terminal apparatus with a first quantization coefficient.

Paik discloses the well-known concept of image compression means to make compressed image data by compressing data of the images with a first quantization coefficient (e.g., col., 4, lines 32 – 58, col., 2, lines 28 – 38, figures 7 and 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Sakakibara and McNerney with the teachings of Paik in order to facilitate image compression means to make compressed image data by compressing data of the images with a first quantization coefficient because the compression would help reduce the size of the image using the quantization coefficient. For example, having different quantization coefficients for different areas would help compressing different areas individually.

Sakakibara, McNerney and Paik do not specifically mention about one quantization coefficient being smaller than another quantization coefficient.

Tanno discloses well-known concept of one quantization coefficient being smaller than another quantization coefficient (e.g., col., 6, lines 20 – 56).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Sakakibara, McNerney and Paik with the teachings of Tanno in order to facilitate one quantization coefficient being smaller than another quantization coefficient because having smaller/larger coefficient would help support different high/low frequency components for the compression. The compression would help reduce the size of the image using the quantization coefficient.

21. As per claim 7, Sakakibara, McNerney, Paik and Tanno disclose the claim limitations as rejected above. Sakakibara also discloses the following:

said image process means includes recompression means for recompressing image data (e.g., paragraph 79); and said control means controls the compression parameter at the recompression according to the user position in the virtual space (e.g., paragraphs 28, 81, 100, 125, 129, 143).

22. As per claim 8, Sakakibara, McNerney, Paik and Tanno disclose the claim limitations as rejected above. Sakakibara also discloses the following:

said image obtaining means includes size conversion means for converting the size of the image and cut-out means for cutting out a predetermined area from the image (e.g., paragraph 79); and said control means selects the output of said size conversion means or said cut-out means according to the user position in the virtual space (e.g., paragraphs 28, 81, 100, 125, 129, 143).

23. As per claim 15, Sakakibara, McNerney, Paik and Tanno disclose the claim limitations as rejected above. Sakakibara also discloses the following:

said server apparatus recompresses data of the image transmitted from each terminal apparatus with a recompression parameter (e.g., paragraph 79) according to an area where the image of the user is arranged (e.g., paragraphs 28, 81, 100, 125, 129, 143) and distributes the image to each terminal apparatus (e.g., paragraphs 28, 81, 100, 125, 129, 143).



24. As per claim 16, Sakakibara, McNerney, Paik and Tanno disclose the claim limitations as rejected above. Sakakibara also discloses the following:

said server apparatus applies either of image size conversion and predetermined area cutting-out to the image transmitted from each terminal apparatus (e.g., paragraph 79) according to an area where the image of the user is arranged (e.g., paragraphs 28, 81, 100, 125, 129, 143) and distributes the image to each terminal apparatus (e.g., paragraphs 28, 81, 100, 125, 129, 143).

### ***Conclusion***

25. The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and not relied upon is considered pertinent to applicant's disclosure.

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The

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examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

January 2, 2006

  
**JOHN FOLLANSBEE**  
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